

MEETING RECORD

NAME OF GROUP: PLANNING COMMISSION

DATE, TIME AND PLACE OF MEETING: Wednesday, February 23, 2000, 1:00 p.m., City Council Chambers, First Floor, County-City Building, 555 S. 10th Street, Lincoln, Nebraska

MEMBERS IN ATTENDANCE: Russ Bayer, Steve Duvall, Barbara Hopkins, Gerry Krieser, Patte Newman, Tommy Taylor, Greg Schwinn and Cecil Steward (Linda Hunter absent); Kent Morgan, Mike DeKalb, Steve Henrichsen, Rick Houck, Jennifer Dam, Jean Walker and Teresa McKinstry of the Planning Department; media and other interested citizens.

STATED PURPOSE OF MEETING: Regular Planning Commission Meeting

Chair, Russ Bayer, called the meeting to order and requested a motion approving the minutes for the meeting held February 9, 2000. Motion to approve made by Steward, seconded by Schwinn and carried 7-0: Bayer, Duvall, Hopkins, Krieser, Newman, Schwinn and Steward voting 'yes'; Hunter and Taylor absent.

CONSENT AGENDA
PUBLIC HEARING & ADMINISTRATIVE ACTION
BEFORE PLANNING COMMISSION:

February 23, 2000

Members present: Bayer, Duvall, Hopkins, Krieser, Newman, Taylor, Schwinn and Steward; Hunter absent.

The Consent Agenda consisted of the following items: **SPECIAL PERMIT NO. 1823A; SPECIAL PERMIT NO. 1829; FINAL PLAT NO. 98046, NORTHERN LIGHTS 2ND ADDITION; FINAL PLAT NO. 99051, HORIZON BUSINESS CENTER ADDITION; FINAL PLAT NO. 99057, EDENTON NORTH 7TH ADDITION, AND FINAL PLAT NO. 00001, FLINT RIDGE 8TH ADDITION.**

Item No. 1.1, Special Permit No. 1823A, and Item No. 1.4, Final Plat No. 99051, were removed from the Consent Agenda and scheduled for separate public hearing. Hopkins moved to approve the remaining Consent Agenda, seconded by Newman. Motion to approve carried 8-0; Bayer, Duvall, Hopkins, Krieser, Newman, Taylor, Schwinn and Steward voting 'yes'; Hunter absent.

Note: This is final action on the Northern Lights 2nd Addition Final Plat No. 98046, the Edenton North 7th Addition Final Plat No. 99057, and the Flint Ridge 8th Addition Final Plat No. 00001, unless appealed to the City Council by filing a notice of appeal with the City Clerk within 14 days of the action by the Planning Commission.

SPECIAL PERMIT NO. 1823A
TO EXCEED THE MAXIMUM HEIGHT
FOR 126' LIGHT POLES ON PROPERTY
GENERALLY LOCATED AT NO. 6TH & CHARLESTON STREET.
PUBLIC HEARING BEFORE PLANNING COMMISSION:

February 23, 2000

Members present: Newman, Steward, Duvall, Hopkins, Schwinn, Krieser, Taylor and Bayer; Hunter absent.

Planning staff recommendation: Conditional approval.

This item was removed from the Consent Agenda and had separate public hearing at the request of the Planning staff.

Jennifer Dam of Planning staff submitted a letter from the applicant requesting a two-week continuance. At the last minute, it appears that there is a need for additional time to work out some technical details between the architects and LES.

Hopkins moved to defer, with continued public hearing and administrative action scheduled for March 8, 2000, seconded by Krieser and carried 8-0: Newman, Steward, Duvall, Hopkins, Schwinn, Krieser, Taylor and Bayer voting 'yes'; Hunter absent.

There was no testimony in support nor in opposition.

FINAL PLAT NO. 99051
HORIZON BUSINESS CENTER ADDITION,
ON PROPERTY GENERALLY LOCATED
AT SOUTH 14TH STREET AND
PINE LAKE ROAD.
PUBLIC HEARING BEFORE PLANNING COMMISSION:

February 23, 2000

Members present: Newman, Steward, Duvall, Hopkins, Schwinn, Krieser, Taylor and Bayer; Hunter absent.

Planning staff recommendation: Approval.

This item was removed from the Consent Agenda and had separate public hearing at the request of the Planning staff.

Roger Figard appeared on behalf of Public Works & Utilities indicating that he had requested this application be removed from the Consent Agenda, not in opposition but to provide additional information to the Commission. As development continues to grow on the edge of the City, Public Works has a growing concern about best use of the infrastructure and investment dollars in regard to existing asphalt pavement. Is it in the best interest of all to use existing pavement? They have come to the conclusion that it is not. The development on both sides of the street is ready to go; the school is out there; it has only been within the last week that he has reached the framework of an agreement with the development on the west side to install a more permanent urban roadway cross-section that is easier to add onto in the future. The resolution for this final plat suggests that we will have to finish the off-site agreement before they can sell any of the lots. Figard is confident this can be done in the next couple weeks. Public Works desires to deal with the roadway section today so they don't have to come back tomorrow and disrupt the business, perhaps after this developer is gone.

Steward wondered whether this requires additional language. Rick Houck of Planning staff advised that the resolution that will approve this final plat has been modified to add a general statement that indicates that the final plat will not be recorded with the Register of Deeds nor any lots sold until a Transportation Agreement has been approved by Public Works. This resolution just came out before the meeting and copies were not yet available.

There was no testimony in opposition.

Public hearing was closed.

ADMINISTRATIVE ACTION BY PLANNING COMMISSION:

February 23, 2000

Steward moved approval of the Planning staff recommendation, with conditions, seconded by Hopkins and carried 8-0: Newman, Steward, Duvall, Hopkins, Schwinn, Krieser, Taylor and Bayer voting 'yes'; Hunter absent.

Note: This is final action by the Planning Commission unless appealed to the City Council by filing a letter of appeal with the City Clerk within 14 days of the action by the Planning Commission.

COUNTY SPECIAL PERMIT NO. 176
FOR A RESIDENCE AND CHURCH
ON PROPERTY GENERALLY LOCATED
AT N.W. 84TH STREET AND AGNEW ROAD.

PUBLIC HEARING BEFORE PLANNING COMMISSION:

February 23, 2000

Members present: Newman, Steward, Duvall, Hopkins, Schwinn, Krieser, Taylor and Bayer; Hunter absent.

Planning staff recommendation: Conditional Approval.

Mike DeKalb of Planning staff submitted five additional letters for the record, four in support and one not in opposition but concerned about increased traffic on W. Agnew Road.

Proponents

1. Monsignor Timothy J. Thorburn, the applicant, appeared to answer any questions. This will be for an order of cloistered sisters. Their work is to pray. They pray for the people who do not or will not pray for themselves. They live a very quiet life and the concerns with regard to a lot of traffic will not be seen simply because there are not a lot of people going there for any types of meetings or even religious services. It is simply a group of sisters who are there to give their lives to God and to pray for the world.

Although not required, Steward wondered whether there were materials available for the Monsignor to share as to the architectural design intent. The Monsignor stated that the design of the chapel is Spanish Mission style. Boyd Batterman with Sampson Construction advised that the building is predominately concrete masonry with masonry veneer. The cloister area will be single story and the chapel area will be in the 30-35' range. The chapel will have a stucco finish. Roof materials will be simulated shake or cement tile or an aluminum material made by Reinke Metals in Deshler, Nebraska.

Hopkins referred to the letter in opposition from Harlan and Elmer States, which states that the Raymond Central School District does not suffer from lack of convents. The Monsignor did not know of any other convents in that area. The closest would be in Wahoo. The closest that would be occupied would probably be attached to St. Patrick's parish in Lincoln but there aren't any sisters presently living there.

There was no testimony in opposition.

Public hearing was closed.

ADMINISTRATIVE ACTION BY PLANNING COMMISSION:

February 23, 2000

Hopkins moved to approve the Planning staff recommendation of conditional approval, seconded by Krieser and carried 8-0: Newman, Steward, Duvall, Hopkins, Schwinn, Krieser, Taylor and Bayer voting 'yes'; Hunter absent.

**COMPREHENSIVE PLAN AMENDMENT NO. 94-40
TO AMEND THE FUTURE LAND USE PLAN, TRANSPORTATION,
UTILITY, PARK AND TRAILS PLAN AND OTHER NECESSARY AMENDMENTS
TO REFLECT COMMERCIAL, INDUSTRIAL, URBAN RESIDENTIAL,
PARKS AND OPEN SPACE AND NATURAL/ENVIRONMENTALLY
SENSITIVE LAND USES IN THE GENERAL VICINITY OF
NORTH 14TH STREET TO NORTH 27TH STREET,
NORTH OF INTERSTATE 80 AND ARBOR ROAD.**

PUBLIC HEARING BEFORE PLANNING COMMISSION:

February 23, 2000

Members present: Newman, Steward, Duvall, Hopkins, Schwinn, Krieser, Taylor and Bayer; Hunter absent.

Planning staff recommendation: Continue public hearing on March 8, 2000. At that time, approval.

Steve Henrichsen of Planning staff gave a brief overview of the proposal. If the Commission votes to defer the hearing, most of the comments and discussion will occur at that time.

The main reason for a continuance is that the staff has scheduled a public open house for tomorrow night, Thursday, February 24th, 5:00-7:00 p.m. at Goodrich Middle School at approximately 14th & Superior. This will provide members of the public and property owners in the vicinity to find out more about the proposal. They will then have the opportunity to speak at the continued hearing on March 8th.

This amendment is the result of an initial proposal from Hampton Development in August of 1999. The developer and staff have met almost weekly over the last three months, reaching a consensus of the staff and the applicant, although Hampton is not the only property owner in this area. In general, the land uses are agreed upon. There are specific items being amended in terms of showing water mains, changes in the future road network and changes in the land use plan. The area will remain Phase III in the Phasing Plan, however, as there is not an agreement on financing the necessary improvements to serve this area. They will continue to work on these issues after the Comprehensive Plan Amendment has been through the process.

The Study Area Plan included within the Comprehensive Plan Amendment provides important guidelines for future development in this area and items that need to be addressed by future plats and changes of zone.

Henrichsen suggested that the Commissioners contact the staff in the next two weeks if they would like additional information.

Hopkins will want to know about the park space and green space, i.e. is it in since with what Parks and Recreation sees as far as serving that many residents. Henrichsen pointed out that there is already a need and a neighborhood park has already been designated for this area.

Steward understands the complexities of this and how it is not desirable or even possible to tie all the loose ends in the beginning; however, on March 8th he would be interested in a staff discussion of what precedence we are setting with this project that determines a recommendation of approval before we have a clear understanding of the costs and the funding strategy. Some order of magnitude and infrastructure costs as a result of this development would be information that would be helpful to him so that there is a public notion of what this project is costing and who is paying for it. Henrichsen agreed to try to put some information together before March 8th.

Also, in view of the fact we have an intensive effort underway on an entryway study, Steward has a great concern for this project and its impact on the visual condition of Interstate 80 and whether or not this developer is going to be flexible enough to recognize the work that is currently underway. We need to recognize both of these events together. Henrichsen agreed. He is hoping to have more information on the entryway corridor function at the March 8th meeting.

Hopkins would also appreciate some sense of the impact of adding this much space much space on any other place in the city and what we have approved for development in other areas. Henrichsen advised that the staff does have information on what type of commercial space has been shown on the plan in the general area. Hopkins wondered whether there is any concern that this will impact any other areas of town. She is concerned that adding so much might detract from something else that has been approved but not yet built. Henrichsen noted that the Comprehensive Plan talks about a market impact study, which is a much more involved process than can be accomplished in two weeks.

Proponents

1. **Bob Hampton**, applicant and developer, thanked the Planning Department and staff that they have worked with for the last five months. It has been a cooperative effort and they are about 95% in agreement. He agrees with the entryway corridor standards and is willing to do a traffic study. He has talked with the city's consultant about the entryway and all of the landowners will be meeting. He will make a full presentation in two weeks.

Opposition

1. **Mike Morrow**, Suite 300, 201 No. 8th, testified at this time; however, he stated that he is not necessarily in opposition. He represents John and Dorothy Campbell, owners of property that is in the middle of this development. He had been approached by Hampton in October of 1999. Based on the staff report which he received on Friday, it looks like the sewer line will come through his client's property. The green space and open space is designated to be on his client's property. This is the first time they have seen any detailed drawings. He urged the Commission to go slowly until they have an opportunity to see what is being proposed for his client's property. They agree with the continuance. Morrow was contacted by Mark Hunzeker in October of 1999. At that time, he believes the initial submission had been made to the Planning Dept. Morrow had requested the drawings and documentation and he did not see any of it until he got his agenda last Friday. His client did not receive the information either.

Schwinn noted that this was in the newspaper and very prominently headlined. Why didn't his client get involved? Morrow had advised the Planning staff that he represents the Campbell family. They are not opposed at this point in time. They just need additional time to grasp some of the details for roads, sewer, and water. The costs that are going to be levied on the private sector are of extreme interest and importance to his clients and they haven't had any discussions with the developer at this point. His client owns about 70 acres.

Hopkins moved to continue public hearing and administrative action on March 8, 2000, seconded by Steward and carried 8-0: Newman, Steward, Duvall, Hopkins, Schwinn, Krieser, Taylor and Bayer voting 'yes'; Hunter absent.

Duvall inquired why the Campbells weren't invited in the beginning. Henrichsen explained that it was the staff's understanding with Mr. Hampton that he was having informal contacts with the property owners as we went through the discussion stage. But that is also the purpose of the open house--to gain input from the property owners as well as people in the surrounding neighborhood. Typically, in this process we would have had the open house long before the Planning Commission hearing. Partly what we have been trying to do is

work under an accelerated timeframe to try to accommodate the plans of Centurion to begin their groundbreaking later this fall. The staff has not had the opportunity to discuss the details with the property owners.

Henrichsen further advised that there are about 3 property owners in addition to Hampton.

Bayer wondered whether we could have gone through this whole thing and not included the property owners. Henrichsen advised that as far as the Comprehensive Plan amendment, that is correct. Large areas are often designed and the property owners are on notice through the newspaper, hearings, etc. Comprehensive Plan Amendments do not have the same notification requirements as changes of zone. In terms of the three property owners, the Campbell property is currently shown as urban residential; the other two property owners are shown as AG and outside the future service limit.

Steward believes that because of the accelerated nature of attempting to move the Comprehensive Plan to a point where we can deal with a change of zone or plat, then we are in effect imprinting a public process in an accelerated way which is not usual. Bayer suggested that the Commission has the opportunity to slow that process down. The Commission does not want anyone not to know what is happening to their property.

Response by the Applicant

Hampton does not want anyone not to know what is going on either. He has talked to the three landowners a lot over the last two years, and he has spoken to Mr. Morrow several times. He agreed that these other property owners have not seen the detailed plans, but in concept they have seen numerous plans. They have been invited to get involved.

Public hearing continued to March 8, 2000.

Hopkins inquired about the publication or notice of Comprehensive Plan amendments. Henrichsen advised that in other circumstances some things have been brought to the Neighborhood Roundtable or mailed to various mailing lists that might reach broader groups. When we do a Comprehensive Plan update, there are a lot more venues.

There being no further business, the meeting was adjourned at 1:40 p.m.

Please note: These minutes will not be formally approved until the next regular meeting of the Planning Commission on March 8, 2000.